

THIRD DIVISION

[A.C. NO. 4306, March 28, 2007]

REMBERTO C. KARA-AN, COMPLAINANT, VS. ATTY. REYNALDO A. PINEDA, RESPONDENT.

R E S O L U T I O N

NACHURA, J.:

In a Complaint for Disbarment filed before the Office of the Bar Confidant on September 6, 1994^[1], herein complainant Remberto C. Kara-an charged respondent-lawyer Reynaldo A. Pineda with gross misconduct as an officer of the court and member of the Bar for violation of the lawyer's oath, specifically his failure to abide by his duties: (1) to maintain allegiance to the Republic of the Philippines and to support the Constitution and obey the laws of the Philippines; (2) to observe and maintain the respect due the courts of justice and judicial officers; and (3) not to delay any man's cause, for any corrupt motive or interests.

The antecedent facts:

Complainant Remberto C. Kara-an filed a Complaint for Injunction and Damages docketed as Civil Case No. 94-2078 against one Amado M. Bulaitan and several John Does before the Makati Regional Trial Court (RTC), Branch 150. Respondent Atty. Reynaldo A. Pineda entered his appearance as counsel for the defendant. On July 12, 1994, the respondent moved for the resetting of the hearing from July 13, 1994 to July 20, 1994 due to a prior professional engagement. In the same pleading, the respondent manifested that he was still in the process of preparing his formal written opposition to the case.^[2] On July 20, 1994, the respondent failed to submit any answer or written opposition but instead made an agreement with the judge and the complainant to reset the hearing to August 1, 1994.^[3] On August 1, 1994, as the respondent failed to appear, the RTC deferred the hearing to August 15, 1994.^[4] On this account, the complainant filed a Motion for Contempt dated August 2, 1994 before the RTC.^[5]

A little more than a month later, or on September 6, 1994, the complainant filed this Complaint for Disbarment against the respondent, alleging therein that the respondent failed to appear on August 1, 1994 before the RTC, despite his agreement to set the hearing of the injunction case on the said date, to file his answer or written opposition to the complaint for injunction. In his Comment filed on November 16, 1994, the respondent posited that the complaint is but a form of harassment in order to discourage him from pursuing cases against the complainant; and that the same is premature since the RTC has yet to decide the pending motion for contempt.^[6] Per Resolution dated February 20, 1995, this Court referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report and decision.^[7]